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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/755,467

01/05/2001

Robert J. Fletcher

SW7181 US

4998

22203

7590

03/22/2005

KUSNER & JAFFE

HIGHLAND PLACE SUITE 310

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HIGHLAND HEIGHTS, OH 44143

EXAMINER

HEWITT II, CALVIN L

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Allowability

Application No.

09/755,467

Examiner

Calvin L Hewitt II

Applicant(s)

FLETCHER ET AL.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 13 January 2005.
2. ☒ The allowed claim(s) is/are 1,4-11,14-22,25-32 and 35-39.
3. ☒ The drawings filed on 05 January 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 4-9-01
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Status of Claims

1. Claims 1, 4-11, 14-22, 25-32, and 35-39 have been examined.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael A. Jaffe on 31 January 2005.

3. The application has been amended as follows-
 1. (Twice amended) An electronic commerce system for procuring goods/services subject to a chain of custody when transferred from a supplier to a user, comprising:
 - a user system for procuring the goods by the user comprising:
 - means for electronically receiving and transmitting user private procurement transactions; and

security means operable only by the user for authenticating electronically said user private procurement transactions comprising orders and confirmations of receipt in a non-repudiatable manner to the secure procurement processor; a supplier system for supplying the goods for procuring by the user comprising:

means for electronically receiving authenticated user private procurement transactions and transmitting supplier private procurement transactions comprising notification of provision of goods/services;

a secure procurement system comprising:

user system communication means for transmitting and receiving the user private procurement transactions with the user system;

supplier system communication means for transmitting and receiving the supplier private procurement transactions with the supplier system;

security means for receiving authentication of said user private procurement transactions and for authenticating electronically said user private procurement transactions comprising orders and confirmations of receipt as the secure procurement system's transactions in a non-repudiatable manner;

a database server for storing said authenticated private procurement transactions and said notifications and for storing a product catalog representing said goods from the supplier available for procuring by a user;

a procurement transaction processor for processing said private procurement transactions transmitted and received between the user and the supplier, wherein said procurement transaction processor includes:

means for performing business rules analysis using the order, notification or confirmation of receipt;

means for detecting controlled substances; and

means for alarming potential instances of diversion or loss of controlled substances;

[wherein the means for performing business rules analysis and means for alarming are configured to, upon receiving a notification of provision of controlled substances at the secure procurement system,]

wherein upon receiving a notification of provision of controlled substances at the secure procurement system the means for performing business rules analysis and means for alarming initiate a timer for a predetermined period of time within which to receive the confirmation of receipt of the controlled substances corresponding to the notification, and when the timer expires, alarm a potential instance of diversion or loss of controlled substances and prevent further orders from the user;

a certificate authority for facilitating the authentication electronically of said user private procurement transactions comprising orders and confirmations of receipt in a non-repudiable manner;

a network connection linking the user system, secure procurement system and certificate authority; and

supplier network connection linking the supplier system and secure procurement system;

whereby the secure procurement system, in cooperation with the certificate authority, processes and stores said orders, notifications, and confirmations of receipt to provide a verifiable chain of custody for controlled substances procured by the user, and the secure procurement system communicates with the user and the certificate authority to authenticate that the user is entitled to order said controlled substances ' .

11. (Twice amended) A secure procurement system for procuring goods/services subject to a chain of custody when transferred from a supplier to a user, comprising:

a supplier network connection for connecting the secure procurement system and a supplier system;

a network connection for connecting the secure procurement system to a user system;

user system communication means for transmitting and receiving user private procurement transactions;

a supplier system communication means for transmitting and receiving supplier private procurement transactions with the supplier system;

security means for receiving authentication of said user private procurement transactions and for authenticating electronically said user private procurement transactions comprising orders and confirmations of receipt as the secure procurement system's transactions in a non-repudiatable manner;

a database server for storing said authenticated private procurement transactions and said notifications and for storing a product catalog representing said goods from the supplier available for procuring by a user;

and a procurement transaction processor for processing said private procurement transactions transmitted and received between the user and the supplier, wherein the procurement transaction processor comprises means for performing business rules analysis using the order, notification or confirmation of receipt, means for detecting controlled substances, and means for alarming potential instances of diversion or loss of controlled substances;

[wherein the means for performing business rules analysis and means for alarming are configured to, upon receiving a notification of provision of controlled substances at the secure procurement system:]

upon receiving a notification of provision of controlled substances at the secure procurement system the means for performing business rules analysis and means for alarming:

initiate a timer for a predetermined period of time within which to receive the confirmation of receipt of the of the controlled substances corresponding to the notification, and when the timer expires, alarm a potential instance of diversion or loss of controlled substances and prevent further orders from the user,

whereby the secure procurement system in cooperation with a certificate authority processes and stores said orders, notifications, and confirmations of receipt to provide a verifiable chain of custody for controlled substances procured by the user, and the secure procurement system communicates with the user and the certificate authority to authenticate that the user is entitled to order said controlled substances.

Reasons for Allowance

4. Claims 1, 4-11, 14-22, 25-32, and 35-39 have been allowed.

5. The instant application teaches a secure method and system for purchasing controlled substances.

Secure techniques for purchasing goods and services are old and well known. For example, Albaum et al. (US 5,758,095) teach a secure method for ordering and prescribing controlled substances, such as medication, using signatures to authenticate transactions ('095, abstract; column/line 8/64-9/11) and sending messages to patients based on the drug ordered ('095, column 11, lines 40-68). Applicant's invention, however, provides security by detecting fraud in electronic transactions. Hillmer et al. (US 6,714,918) provides security by calculating a score to determine the likelihood of fraud ('918, figures 2A and 3B), while Kuo (US 6,847,953) requires the matching up a payment authorization request with a payment approval request within an established time period ('953, column 10, lines 3-13). The closest prior art of Breen Jr. et al. (US 6,598,027) teaches a method and system for transacting regulated goods (e.g. controlled substances). Specifically, Breen Jr. et al. teach pre-authorizing participants, in an auction system, for example, to determine whether said participants are qualified to buy and sell controlled substances (figures 3, 4, 5, and 7; column/line 1/40-2/17; column 10, lines 15-36; column 11, lines 12-67). However, Breen Jr. et al. do not detect post transaction fraud nor does the Breen Jr. et al. system prevent users suspected of fraud from making further orders. The present invention, however, distinguishes itself from the prior art, singly or in combination, because

the inventor's system determines or detects the presence of controlled substances, upon receiving notification of provision of controlled substances at a secure procurement system, initiates a timer, for a predetermined period of time within which to receive the confirmation of receipt of the controlled substances corresponding to the notification, and when the timer expires, alarming a potential instance of diversion or loss and preventing further orders from the user. At first instance it may seem that Kuo suggests Applicant's timer teaching. Kuo's timer is for matching a payment approval request with a payment authorization request, thus Kuo's teaching is directed to financial fraud and is not applicable to the problem solved by Applicant. More specifically, Kuo's timer would not prevent an unauthorized user from receiving controlled substances if the payment approval request and payment authorization request were matched in time. Regarding the system of Breen Jr. et al., it is only set-up to transact controlled substances ('027, abstract; column/line 1/43-2/30; column 6, lines 50-65; column 22, lines 30-65) while Applicant's system is not so restricted. For example, claims 1 and 11, allows a user to select goods from a supplier catalog, while claims 22 and 32, determines the presence of goods/services that comprise controlled substances and (claims 1, 11, 22, and 32) activates the timing and alarm mechanisms only when the system detects controlled substances.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Minato teaches a medicine stock management system
- Logistics management & Distribution Report, Gooley, Toby B.,
"Exporter, protect thyself !"

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
c/o Technology Center 2100
Washington, D.C. 20231

or faxed to:

(703) 305-7687 (for formal communications intended for entry and after-final communications),

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or:

(703) 746-5532 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5, 2451

Crystal Drive, 7th Floor Receptionist.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

Calvin Loyd Hewitt II

February 3, 2005



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600